

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES MCCORMACK, VIRGINIA MCKEON, and  
MARY HUGHES, as Co-Administrators d.b.n. of the  
Estate of KATHLEEN MCCORMACK DURST; and  
JAMES MCCORMACK, VIRGINIA MCKEON, and  
MARY HUGHES, as Co-Administrators c.t.a. of the  
Estate of ANN C. MCCORMACK, a Distributee of the  
Estate of KATHLEEN MCCORMACK DURST,

**NOTICE OF MOTION**

Plaintiffs,

**Case No. 7:22-cv-795 (KMK)**

- against -

DEBRAH LEE CHARATAN, as the Executor of the  
Estate of ROBERT DURST,

Defendant.  
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PLEASE TAKE NOTICE that Plaintiffs James McCormack (“James”), Virginia McKeon (“Virginia”) and Mary Hughes (“Mary”), as Co-Administrators d.b.n. of the Estate of Kathleen Durst; and James McCormack, Virginia McKeon and Mary Hughes, as Co-Administrators c.t.a. of the Estate of Anne C. McCormack, a Distributee of the Estate of Kathleen Durst (“Plaintiffs”), upon the Memorandum of Law dated February 21, 2025, Statement of Material Facts Pursuant to Local Civil Rule 56.1 dated February 21, 2025, accompanying Declaration of Robert Abrams, Esq. dated February 21, 2025, together with Exhibits A through QQ, and upon all prior pleadings and proceedings had herein, will move this Court, before the Honorable Kenneth M. Karas, United States District Judge, at the Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse for the Southern District of New York, located at 300 Quarropas Street, White Plains, New York 10601, on a date and time to be determined by the Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting the Plaintiffs’ Motion for Summary Judgment

in its entirety as to liability only on their wrongful death action, and granting such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that answering papers, if any, are to be served by March 17, 2025; and

**PLEASE TAKE FURTHER NOTICE** that reply papers, if any, are to be served by April 1, 2025.

Dated: Lake Success, New York  
February 21, 2025

**ABRAMS FENSTERMAN, LLP**

By:  \_\_\_\_\_

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To: All Counsel of Record (*via ECF*)